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8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12  
13 In the Matter of the Accusation Against:

Case No. 2010-308

14 **VICKI LYNN JENNINGS**  
5318 East 2<sup>nd</sup> Street, Unit #755  
15 Long Beach, CA 90803

**ACCUSATION**

16 **Registered Nurse License No. 574392**

17 Respondent.

18  
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her  
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department  
23 of Consumer Affairs.

24 **License History**

25 2. On or about November 22, 2000, the Board of Registered Nursing issued Registered  
26 Nurse License Number 574392 to Vicki Lynn Jennings ("Respondent"). The Registered Nurse  
27 License was in full force and effect at all times relevant to the charges brought herein and will  
28 expire on February 28, 2010, unless renewed.

## JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing ("Board"), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code ("Code"), unless otherwise indicated.

4. Code section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

5. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Code section 118, subdivision (b), provides that the suspension, expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated.

## STATUTORY PROVISIONS

7. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, . . .

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

8. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

1 (c) Be convicted of a criminal offense involving the prescription,  
2 consumption, or self-administration of any of the substances described in  
3 subdivisions (a) and (b) of this section, or the possession of, or falsification of a  
4 record pertaining to, the substances described in subdivision (a) of this section,  
5 in which event the record of the conviction is conclusive evidence thereof.

#### 6 COST RECOVERY

7 9. Code section 125.3 provides, in pertinent part, that the Board may request the  
8 administrative law judge to direct a licensee found to have committed a violation or violations of  
9 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
10 enforcement of the case.

#### 11 FIRST CAUSE FOR DISCIPLINE

##### 12 (Criminal Convictions)

13 10. Respondent is subject to disciplinary action under Code section 2761, subdivision (f),  
14 in that Respondent has been convicted of crimes substantially related to the qualifications,  
15 functions, and duties of a registered nurse, as follows:

16 a. On or about June 20, 2003, in the Superior Court of California, County of Los  
17 Angeles, in the case entitled, *People of the State of California v. Vicki Lynn Jennings* (Super Ct.  
18 Los Angeles County, 2003, Case No. 3LL00423), Respondent was convicted on her plea of nolo  
19 contendere of violating Vehicle Code section 23152, subdivision (b) (Driving with blood alcohol  
20 concentration of .08% or more), a misdemeanor. The circumstances of the conviction are that on  
21 or about March 19, 2003, a Long Beach Police Department officer responded to a traffic collision  
22 involving Respondent and a parked car. Upon conducting an investigation into the collision and  
23 conducting field sobriety tests, it was determined that Respondent was under the influence of  
24 alcohol and she was placed under arrest.

25 b. On or about May 8, 2008, in the Superior Court of California, County of Los  
26 Angeles, in the case entitled, *People of the State of California v. Vicki Jennings* (Super Ct. Los  
27 Angeles County, 2008, Case No. 7LT07196), Respondent was convicted on her plea of nolo  
28 contendere of violating Vehicle Code sections 23152, subdivision (b) (Driving with blood alcohol  
concentration of .08% or more), a misdemeanor. The circumstances of the conviction are that on  
or about December 13, 2007, Long Beach Police Department officers responded to a traffic

1 collision and possible hit-and-run involving Respondent. Upon conducting an investigation into  
2 the collision, the officers observed that Respondent had bloodshot watery eyes, slurred speech, a  
3 flushed complexion, and a strong odor of an alcoholic beverage coming from her breath.  
4 Respondent indicated she was a nurse in Marina Del Rey and had just gotten off of work. She  
5 also indicated she had consumed wine. After conducting field sobriety tests, it was determined  
6 that Respondent was under the influence of alcohol and was placed under arrest. A search of  
7 Respondent's vehicle revealed that she had a "Tweety Bird" cup with a red liquid residue in it  
8 that smelled like wine. The red liquid had splashed throughout her vehicle's center console and  
9 passenger-side floor board. As part of Respondent's plea of nolo contendere, she admitted having  
10 one prior conviction for violating Vehicle Code section 23152, subdivision (b), on or about June  
11 20, 2003, in Superior Court, County of Los Angeles, Case No. 300423.

## 12 **SECOND CAUSE FOR DISCIPLINE**

### 13 **(Criminal Convictions Involving the Consumption 14 of Alcohol Beverage and/or Drugs)**

15 11. Respondent is subject to disciplinary action under Code section 2761, subdivision (a),  
16 on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (c), in  
17 that Respondent was convicted of crimes involving the consumption of alcoholic beverages  
18 and/or drugs, as set forth in paragraph 10, subparagraphs (a) and (b), above.

## 19 **THIRD CAUSE FOR DISCIPLINE**

### 20 **(Use Alcoholic Beverages and/or Drugs to the Extent or 21 in a Manner Dangerous or Injurious to Herself or Others)**

22 12. Respondent is subject to disciplinary action under Code section 2762, subdivision (a),  
23 on the grounds of unprofessional conduct, as defined in Code section 2762, subdivision (b), in  
24 that Respondent consumed alcoholic beverages and/or used drugs to an extent or in a manner  
25 dangerous or injurious to herself or others, as set forth in paragraph 10, subparagraphs (a) and (b),  
26 above.

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**PRAYER**

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 574392, issued to Vicki Lynn Jennings;
2. Ordering Vicki Lynn Jennings to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: \_\_\_\_\_

*12/24/09*

*Louise R. Bailey*  
LOUISE R. BAILEY, M.ED., RN  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*